

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**BRIAN HANES, MELVIN MUCK, AND
WINDALE KNIGHTEN
Plaintiffs**

vs.

**NACCO INDUSTRIES, INC., THE
NORTH AMERICAN COAL
CORPORATION, AND THE SABINE
MINING COMPANY,
Defendants**

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**CIVIL ACTION NO.
2:11cv-00260-JRG**

JURY TRIAL DEMANDED


ORDER

The Court has considered the Stipulation of Dismissal with Prejudice of Plaintiffs Brian Hanes, Melvin Muck, and Windale Knighten and Defendants NACCO Industries, Inc., The North American Coal Corporation and The Sabine Mining Company, and is of the opinion that the Stipulation should be APPROVED.

Accordingly, it is ORDERED that

1. Any and all claims brought by Plaintiffs Brian Hanes, Melvin Muck and Windale Knighten against the Defendants NACCO Industries, Inc., The North American Coal Corporation and The Sabine Mining Company in this lawsuit are dismissed with prejudice.
2. Any and all counterclaims brought by the Defendants NACCO Industries, Inc., The North American Coal Corporation and The Sabine Mining Company against Plaintiff Brian Hanes in this lawsuit are dismissed with prejudice.
3. This lawsuit is dismissed with prejudice.
4. All attorneys' fees and costs are borne by the party that incurred them.

So ORDERED and SIGNED this 9th day of August, 2012.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE